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OFFICE OF PETITIONS

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In re Application of :
Bradd, et al. : DECISION ON PETITION
Application No. 09/473,726 :
Filed: December 28, 1999 :
Atty. Dkt. No.: 920476-904764 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 31 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

This application was held abandoned for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 7, 2000. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed February 20, 2001. A petition to withdraw the holding of abandonment was filed April 27, 2001 and a decision in response thereto was mailed May 3, 2002.

Petitioners reiterate that a proper response to the Notice was timely submitted March 2, 2000. A copy of the response purportedly previously filed was submitted April 27, 2001 and bears a certificate of mailing date of March 2, 2000 in accordance with 37 CFR 1.8. A copy of a return postcard date stamped March 7, 2000 acknowledging receipt of the response to the Notice was also submitted April 27, 2001.

Review of Office records reveals that a response received at the USPTO on March 7, 2000, while intended for instant application did not include the correct application serial number. The response improperly cited U.S. App. No. 09/473,723. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-

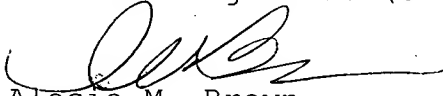
referenced application, applicants failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicants' error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions